

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEFFREY ANCHOR, et al.,

Plaintiffs,

v.

ORDER
04-CV-0300S

DIAZ INTERMEDIATES CORPORATION, et al.,

Defendants.

1. On April 15, 2004, Plaintiffs commenced this environmental action against Defendants by filing a Complaint in United States District Court for the Western District of New York. The matter was settled by the parties in June 2012.

2. This Court previously referred this case to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(A)&(B) for, among other things, all proceedings necessary to oversee and finalize the parties' settlement of this matter. (Docket No. 178.) On July 8, 2013, Plaintiff moved for disbursement of settlement funds and approval of costs and attorneys' fees. (Docket No. 184.)

3. Judge Schroeder issued a Report, Recommendation and Order on August 21, 2012 recommending Defendants be ordered to release the settlement funds to Plaintiffs' counsel, specifying the recommended amount of each Plaintiff's distribution from the settlement funds, and further recommending that Plaintiff's counsel undertake the responsibility to notify and pay any portion of the settlement funds which Medicare/Medicaid deems reimbursable by the 26 plaintiffs who are so eligible. Despite being expressly advised that the parties had fourteen (14) days from the date of its service

in which to object, in accordance with 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of this Court, no objections to this Report and Recommendation were filed.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report and Recommendation (Docket No. 185) in its entirety;

FURTHER, that Defendants are ordered to release the settlement funds to Plaintiffs' counsel within seven days of the entry of this Order;

FURTHER, that the settlement funds are to be distributed as recommended in the Magistrate Judge's report;

FURTHER, that for good cause shown, the Clerk of the Court shall maintain exhibits A and B to the Affidavit of Richard J. Lippes, Esq., submitted *in camera* for this Court's review (Docket Nos. 187, 188), under seal in the official file to preserve the record for any subsequent review;

FURTHER, that Plaintiffs' motion for this Court to accept the Magistrate Judge's Report and Recommendation (Docket No. 186), which does not appear to have been served on Defendants, is DENIED as moot;

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 27, 2013
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court